

FORM PTO-1290 (Modified)
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

110/02239

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/890172INTERNATIONAL APPLICATION NO.
PCT/IL00/00058INTERNATIONAL FILING DATE
January 27, 2000PRIORITY DATE CLAIMED
January 27, 1999TITLE OF INVENTION
EXPANDABLE INTERVERTEBRAL SPACERAPPLICANT(S) FOR DO/EO/US
Oren GLOBERMAN et al.

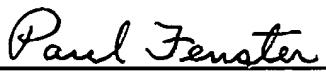
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. A copy of the International Search Report (PCT/ISA/210).
8. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
9. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. A substitute specification.
17. A change of power of attorney and/or address letter.
18. Certificate of Mailing by Express Mail
19. Other items or information:

Amendments to the claims of the International Application under PCT Article 34 are transmitted herewith as annexes to the IPER.

U.S. APPLICATION NO. (IF KNOWN) 097890172	INTERNATIONAL APPLICATION PCT/IL00/00058	ATTORNEY'S DOCKET NUMBER 110/02239																
<p>20. The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :</p> <table> <tr> <td><input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO</td> <td>\$ 860.00</td> </tr> <tr> <td><input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482)</td> <td>\$930.00</td> </tr> <tr> <td><input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))</td> <td>\$720.00</td> </tr> <tr> <td><input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO</td> <td>\$790.00</td> </tr> <tr> <td><input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)</td> <td>\$1,070.00</td> </tr> <tr> <td></td> <td>\$98.00</td> </tr> </table>		<input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO	\$ 860.00	<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482)	\$930.00	<input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))	\$720.00	<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO	\$790.00	<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)	\$1,070.00		\$98.00	CALCULATIONS PTO USE ONLY				
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	\$98.00																	
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$860.00																
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (c)). <input type="checkbox"/> 20 <input type="checkbox"/> 30		\$0.00																
<table border="1"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>124 - 20 =</td> <td>104</td> <td>x \$18.00</td> </tr> <tr> <td>Independent claims</td> <td>2 - 3 =</td> <td>0</td> <td>x \$80.00</td> </tr> <tr> <td colspan="3">Multiple Dependent Claims (check if applicable).</td> <td><input type="checkbox"/></td> </tr> </tbody> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	124 - 20 =	104	x \$18.00	Independent claims	2 - 3 =	0	x \$80.00	Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	\$0.00
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Total claims	124 - 20 =	104	x \$18.00															
Independent claims	2 - 3 =	0	x \$80.00															
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>															
TOTAL OF ABOVE CALCULATIONS =		\$2,732.00																
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input checked="" type="checkbox"/>		\$1,366.00																
SUBTOTAL =		\$1,366.00																
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 +		\$0.00																
TOTAL NATIONAL FEE =		\$1,366.00																
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>		\$0.00																
TOTAL FEES ENCLOSED =		\$1,366.00																
		Amount to be: refunded																
		charged																
<input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.																		
<input checked="" type="checkbox"/> Please charge my Deposit Account No. 03-3419 in the amount of \$1,366.00 to cover the above fees. A duplicate copy of this sheet is enclosed.																		
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-3419 A duplicate copy of this sheet is enclosed.																		
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.																		
SEND ALL CORRESPONDENCE TO:																		
William H. Dippert, Esq. Cowan, Liebowitz and Latman, P.C. 1133 Avenue of the Americas New York, NY 10036-6799 USA																		
Tel.: (212) 790-9200																		
 SIGNATURE Paul FENSTER NAME _____ 33,877 REGISTRATION NUMBER _____ July 24, 2001 DATE _____																		

09/890172

JC18 Rec'd PCT/PTO 25 JUL 2001

EXPRESS MAIL CERTIFICATE 37 C.F.R. 1.10

Date of Deposit July 25, 2001

Express Mail Label No. EL692775726US

I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231

Phillip Rodriguez

Name of Person Mailing

Phillip Rodriguez

Signature

T092601-20010860